

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VLADIMIR GUSINSKI,

Plaintiff,

v.

SAGI GENDER,

Defendant,

- and -

SAGI GENDER and TPR INVESTMENT ASSOCIATES,  
INC., on behalf of AG PROPERTIES CO.,

Third-Party Plaintiffs,

v.

GILAD SHARON, LERNER MANOR  
TRUSTEESHIPS, LTD. and OMNIWAY LIMITED,

Third-Party Defendants.

10 Civ. 4506 (SAS) (GWG)  
ECF Case

**REPLY DECLARATION OF JOHN DELLAPORTAS**

I, JOHN DELLAPORTAS, pursuant to 28 U.S.C. § 1746(2), declare as follows:

1. I am a member of the Bar and the firm of Duane Morris LLP, counsel to third-party plaintiffs in the above-entitled action. I respectfully submit this reply declaration in further support of third-party plaintiffs' motion for attorney's fees and costs and, specifically, to provide certain additional documents and facts relevant to the contentions asserted in the "Memorandum in Opposition to Third Party Plaintiffs' Motion for Attorneys' Fees." (ECF 170)

2. Annexed hereto as Exhibit D is a true and correct copy of a relevant excerpt from the transcript of the July 28, 2011 deposition of Sagi Genger in this action.

3. Annexed hereto as Exhibit E is a true and correct copy of a relevant excerpt from the transcript of the October 11-12, 2011 hearing before New York State Supreme Court Justice Feinman in the action entitled *Orly Genger v. Dalia Genger, et al*, Index No. 109749/09.

4. Annexed hereto as Exhibit F is a true and correct copy of a relevant excerpt from the transcript of the March 1, 2012 deposition of Orly Genger in this action.

5. Annexed hereto as Exhibit G is a true and correct copy of a chart showing the % of total time charges, on a dollar-value basis, attributable to attorneys Dellaportas, Michailidis, Pennisi, Pontikes and Hart and paralegal Walker.

6. Annexed hereto as Exhibit H is a true and correct copy of a chart showing the applicable hourly billing rates for all Duane Morris timekeepers at issue.

7. Annexed hereto as Exhibit I is a true and correct copy of online biographical information ([www.DuaneMorris.com](http://www.DuaneMorris.com)) for attorneys Dellaportas, Pontikes, Michailidis, Pennisi and Hart.

8. Lastly, among nearly a thousand entries over 91 pages of invoices, the Wachtel firm has found four portions of time entries, inadvertently included, which actually relate to other matters. We apologize for the error. Backing out those entries, and the associated dollar amounts, reduces third-party plaintiffs' fee request by \$1,524. Updating the fees and costs for this correction and to reflect the actual costs in preparing the initial fee application – which we originally estimated at \$10,000 but turned out to be \$15,490 – yields a new total of \$326,122. (Annexed hereto as Exhibit J is a true and correct copy of Duane Morris invoices for the work performed on the fee application in the months of December and January.)

9. Accordingly, third-party plaintiffs respectfully seek an award of \$326,122 in attorney's fees and expenses. We thank the Court for its consideration.

I hereby declare under penalty of perjury that the foregoing is true and correct.

  
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JOHN DELLAPORTAS

Dated: New York, New York  
February 20, 2013